

Exhibit H

Appeal No. 04-1446

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CYTOLOGIX CORPORATION,

Plaintiff-Cross Appellant,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant-Appellant.

Appeal from the United States District Court
Massachusetts in 1:00-CV-12231
Judge Rya W. Zobel

**BRIEF FOR DEFENDANT-APPELLANT
VENTANA MEDICAL SYSTEMS**

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The '693 Patent

Random Access: the capability of an instrument to perform any of a list of procedures to any of a plurality of biologic samples mounted on microscope slides.

Temperature Controller: the switch, power amplifier or like device that directly adjusts the flow of electric power to one or more heating elements. The temperature controller includes a means for converting temperature data.

User Interface: the device(s) through which the user (operator of the instrument) inputs information into the instrument.

In Communication With: ongoing, back and forth communication.

Communicating Data to Regulate the Electrical Power: communicating data from the user interface for the purpose of regulating and adjusting electrical power to the heating elements.

Temperature Controller Electronic Circuit: electronic components, wiring, and printed circuit board which comprise the power amplifying device and decoder.

Data Communication Link: connection through which data is transmitted.